

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTHONY MARANO CO. and
AMC 50, LLC,

Plaintiffs,

v.

Case No. 09-14105

GEOFF SHERMAN, et al.,

Defendants.

**ORDER DISMISSING DEFENDANTS KENNEDY, PATTON, DAVIS, AND AIRPORT
SERVICES, INC., AND GRANTING MOTION TO WITHDRAW AS COUNSEL**

On June 6, 2012, the court entered an order directing Plaintiffs to show cause why Defendants Alex Davis and Airport Services, Inc., ("Airport") should not be dismissed for failure prosecution. Plaintiffs failed to respond to the show-cause order and, during a telephone conference held on June 19, 2012, counsel confirmed that they have never successfully served Defendants Davis and Airport. The court will therefore dismiss those Defendants under Local Rule 41.2.

Furthermore, during the same telephone conference, the court inquired about the status of Plaintiffs' claims against Defendants Scott Kennedy and Kimberly Patton. Plaintiffs' counsel confirmed that those claims had been disposed of in bankruptcy proceedings and that dismissal of Defendants Kennedy and Patton from this litigation is also appropriate at this time.

Finally, the court conferred during the telephone conference with Attorney Dennis Rauss, whom the court had reinstated as counsel of record for Defendants Kennedy,

Patton, and International Aviation Services, Inc., in the June 6, 2012 order. Rauss informed the court that, though he had represented those Defendants in a prior, state-court lawsuit involving these parties, he had never been retained to represent them in the current dispute; instead, it appears that he was mistakenly added to the docket based on a filing made by former counsel of Defendant Sherman. The court considers this good cause for allowing Rauss to withdraw as counsel, see Mich. R. Prof'l Conduct 1.16(c), and will grant the motion to withdraw filed by Rauss at the direction of the court. Accordingly,

IT IS ORDERED that Plaintiffs' claims against Defendants Scott Kennedy, Kimberly Patton, Alex Davis, and Airport Services, Inc., are DISMISSED.

IT IS FURTHER ORDERED that Attorney Dennis Rauss's motion to withdraw [Dkt. # 31] is GRANTED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 26, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 26, 2012, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522